

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on page 1.

New claims 10-12 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-13 are now pending in this application.

Claim Objections

Claims 1-9 are objected to for containing informalities. Applicant respectfully submits that the amendments to the claims render these objections moot. Reconsideration and withdrawal of these objections is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,530,425 to Wehrmann *et al.* (hereafter “Wehrmann”). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131.

The Office characterizes Wehrmann as disclosing a heat exchanger that includes plates 2, 2a with flow channel openings 15, 16, 17, 18 and an additional plate 6. See Wehrmann at col. 3, line 36, to col. 4, line 9, and Figures 1-6. On page 3 of the Office Action, the Office suggests that the additional plate 6 of Wehrmann corresponds to the base plate of the heat exchanger referenced in claim 1. Applicant respectfully disagrees.

The additional plate 6 of Wehrmann is not provided at one end of the at least two adjacent heat exchanger plates and is not in at least substantially flat contact with an adjacent outermost heat exchanger plate of the heat exchanger, as recited in claim 1, because the additional plate 6 is located between the plates 2, 2a, as shown in Figures 1-6. Claims 2-9 depend from claim 1.

The Office argues on page 3 of the Office Action that the additional plate 6 is provided at one end and is in at least substantially flat contact with an adjacent outermost heat exchanger plate of a heat exchanger, referencing Figures 3 and 5 of Wehrmann. However, Figures 3-6 of Wehrmann show that the additional plate 6 is located between the plates 2, 2a, not provided at an end of a stack of the two plates 2, 2a so that the additional plate 6 is in substantially flat contact with an adjacent outermost plate 2, 2a.

Nor does the additional plate 6 have a depression with a contour that has a shape corresponding to one of the plates 2, 2a, as recited in claim 1. Although the Office argues on page 3 of the Office Action that Figures 2 and 5 of Wehrmann show that the additional plate 6 has such a depression, these drawings show no such depression. In fact, Figures 1-6 show that the plates 2, 2a have flat surfaces along the bottom of plates 2, 2a, while the additional plate 6 can have channels 8a of various shapes. Thus, even if the additional plate 6 could be considered to have a depression, such a depression does not have a contour with a shape corresponding to one of the plates 2, 2a, as recited in claim 1.

Thus, Wehrmann does not anticipate claims 1-9 because Wehrmann does not disclose all of the features of claim 1. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claims

New claims 10-12 have been added. Claims 10-12 depend from claim 1 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

Conclusion

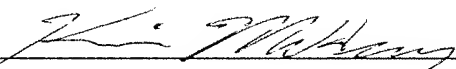
Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4011
Facsimile: (202) 672-5399

Paul D. Strain
Attorney for Applicant
Registration No. 47,369

Kevin McHenry
Attorney for Applicant
Registration No. 62,582